



Secretary's Column

New Laws for Kentucky's Most Pressing Issue

J. MICHAEL BROWN | SECRETARY, JUSTICE AND PUBLIC SAFETY CABINET

Kentucky legislators approved and Gov. Steve Beshear has signed into law new tools to help combat one of the most pressing issues facing our commonwealth — substance abuse.

During the legislative session that ended in mid-April, lawmakers approved Senate Bill 3, which attached limits to the amount of cold or allergy medication containing pseudoephedrine, a key ingredient in methamphetamine, consumers can buy without a prescription.

Under SB 3, consumers are limited to 7.2 grams per month of medications containing pseudoephedrine, and up to 24 grams annually. People who need more would have to obtain a prescription, although under the new provisions an ample amount of the medication is permitted for nearly all consumers who use it. The law does not apply to gel caps or liquid forms of the drugs, which is much more difficult to use in the manufacture of meth.

The measure is a good step for families and communities that have been hit hard by the ravaging effects of the drug, as well as for our law enforcement officers, who must clean up the dangerous, highly volatile labs.

In another attack on substance abuse, legislators also approved a law aimed at curbing prescription drug abuse, our fastest growing substance-abuse problem.

Kentucky has the nation's sixth-highest rate of prescription drug overdose deaths, at nearly 18 deaths per 100,000. About three Kentuckians die every day from prescription drug abuse — and we know that figure is woefully under-reported. The problem is so prevailing that, according to a 2011 Kentucky Health Issues poll, one in three Kentuckians reported having a family member or close friend who had abused or currently abuses prescription drugs.

Other drug-related legislation that passed this session included House Bill 1, which passed in a special session:

- Requires pain management clinics to be owned by a licensed medical practitioner, to eliminate the growing problem of unaccountable operators of 'pill mills' who have little or no medical proficiency but are dispensing controlled substances.
- Mandates participation in KASPER, Kentucky's electronic prescription monitoring program, to give prescribers a more complete picture of their patients' medication history.
- Requires immediate investigation of prescribing complaints, to determine whether appropriate medical practices have been followed.

In addition, lawmakers passed HB 481, which bans whole classes of synthetic drugs. The measure will curtail underground chemists from "tweaking" a formula, to get around a ban on a specific chemical substance. The bill also allows a fine to be imposed that's equal to double the gain the defendant would have made. The fine is then shared by police, sheriff's offices and prosecutors.

These new laws come in the wake of numerous initiatives Kentucky has undertaken in recent months to stem the tide of substance abuse:

- In April, I participated, along with Gov. Beshear and several other key officials from Kentucky, in a national prescription drug abuse summit in Florida. During that meeting, Gov. Beshear called for states and the federal government to develop aggressive shared tactics to thwart the devastating effects of prescription drug abuse.
- Also in April, the commonwealth participated in a national drug take-back program sponsored by the Drug Enforcement Administration. A 2009 national survey showed that, among people age 12 or older who reported using pain relievers non-medically in the past year, 70 percent got the drugs from a friend or relative, instead of buying them from a dealer or someone they didn't know. That single statistic underscores the importance of properly disposing of medications once they are no longer needed for their prescribed purposes, to reduce their risk of being diverted and abused.
- Kentucky joined the National Association of Boards of Pharmacy's Prescription Monitoring Program InterConnect (PMP InterConnect), which links participating states' programs to provide a more effective means of combating drug diversion and drug abuse nationwide.
- We created an Interstate Prescription Drug Task Force with officials from Ohio, Tennessee and West Virginia to better identify those who exploit state borders in order to abuse, misuse or divert prescription drugs.
- We continue to invest resources in substance abuses treatment to curb the cycle of abuse and incarceration that is driving up corrections costs and siphoning dollars away from other critical areas such as public safety, health and education. ■